



305 North 1130 East
Lindon, Utah 84042

December 12, 2003

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir :

In response to the office action dated 09/16/2003 for application number 09/630,272 filed on 08/01/2000 by the undersigned, please find within this mailing five (5) separate envelopes which contents it is believed will now place this application in a condition for allowance. The five envelopes contain:

1. Summary of Record of Interview
2. New declaration
3. Replacement abstract
4. Voluntary substitute specification as authorized under 37 CFR 1.125(b), and
5. Amendments.

It is my belief that there should be no further fees due at this time. Should there be any fees due, I would like to have the Examiner or other agent of the US Patent and Trademark Office contact me so that I can fax a credit card authorization for payment form immediately. If the Examiner believes that personal communication will expedite the prosecution of this application for any reason, he is invited to fax or telephone me directly at any of the numbers provided.

Sincerely,

James L. Driessen, Pro Se Applicant
Home Phone: (801)796-6014
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12/15/03

3625

7/c + Sub Spec (MCE)
PO
12/30/03

Applicant's Record of the Substance of Interview with Primary Examiner

Application Number: 09/630,272
Art Unit: 3625
Name of Applicant: James L. Driessen
Name of Examiner: Nicholas D. Rosen
Date of Interview: November 11, 2003
Type of Interview: Telephonic
Participants: Applicant and Primary Examiner
Exhibits shown: None

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Claims specifically discussed: Originally submitted claims 1, 4, and 7

Prior Art Discussed: Some of the prior art of record was discussed as it pertained to reasoning for claim rejections. Gentry, Kargman, and Morris were specifically mentioned; others were referred to either directly or indirectly.

Proposed Amendments to Claims Discussed: Claim language for allowable subject matter as stated in the office action was recommended by the Examiner during the interview to help overcome objections and rejections. The Examiner did not commit to the allowability of anything as he explained that a supplemental search of the prior art is not only recommended but viewed as a duty whenever amendments to the elements of any claim are made. It is important to note that the Examiner did agree, however, that the proposed claim language as discussed would overcome the current prior art of record.

OK to
enter
NDR
2/17/2004

General thrust of arguments presented to the Examiner: While discussion between an applicant and a Primary Examiner may be adversarial by nature, there was a fairly mutual understanding by both parties that there was patentable subject matter in the application that needed to be more precisely claimed for the application to be in a condition for an allowance. The applicant did not disagree to any of the grounds to the objections or rejections to the claims as originally written and the Examiner did not disagree that the claim language presented during the interview would move the application a condition closer to allowance. The Examiner stated that the proposed claim language would likely overcome the anticipation rejections based on the prior art, but that a supplemental search of the prior art would also be warranted.

Other Pertinent Matters Discussed: The Examiner made mention that a specific person or even a specific type of person can never be made an element of a claim. The Examiner also answered questions about procedures in responding to an office action. The Examiner indicated and then later followed up in writing with suggested approaches to making amendments. Amending the specification to include disclosed subject matter that was omitted from the original specification, but included in originally submitted claims to overcome 35 USC § 112 rejections was also discussed.

General Results: A physical unit sold or traded at a retail location through an in-person contact that contained security or authorization for a transfer of ownership or rights in Internet merchandise of media is likely not anticipated by the current prior art of record. Subject matter disclosed in an originally submitted claim could be added to the specification and then also claimed. Public/Private key pairs which are hidden in documents or other media transferred via Internet connections using content fingerprinting techniques to facilitate tracing or transaction authorization are also not likely anticipated by the current prior art of record. A supplemental search for further pertinent prior art is not just indicated in this case, but rather, it is a required duty in order to assure the public of a well prosecuted patent application.

James L. Driessen

Date: December 12, 2003



37 CFR 1.125(b)(1) Statement

The following is a brief explanation and statement about how the enclosed substitute specification was prepared for application number 09/630,272 originally filed on August 1, 2000 by the undersigned. Hand written page numbers and other informalities in the specification as originally filed made it difficult to specifically amend. Therefore this substitute specification is being submitted under 37 CFR 1.125 (procedure for filing a substitute specification). In this case, the substitute specification is being voluntarily filed by the applicant under 37 CFR 1.125(b).

Since word processing equipment was used by the applicant, the substitute specification was easily prepared as explained in the MPEP 8th edition section 608.01(q) using the built in mark-up convention included in the word processing equipment and then printing out both a marked-up copy and a clean copy. The word processing equipment convention comports with the requirements under 1.125(b) in that it shows both the matter being added as well as matter being deleted. Line numbers were also added to both the clean and marked-up versions to facilitate the process of any possible discussion with the Examiner or future amendments.

I, THE UNDERSIGNED, HEREBY STATE THAT THE ENCLOSED SUBSTITUTE SPECIFICATION AS TO APPLICATION NUMBER 09/630,272 INCLUDES NO NEW MATTER.

Signed:

James L. Driessen
James L. Driessen

Date:

December 12, 2003

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